

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY D. MELBOURNE,

Defendant.

CR-08-150-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on July 21, 2020. (Doc. 65.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 16, 2020. (Doc. 63.) The United States accused Melbourne of violating his conditions of supervised

release 1) by consuming alcohol; 2) by consuming methamphetamine; 3) by communicating or interacting with a known felon; and 4) by failure to participate in substance abuse testing (Doc. 58). At the revocation hearing, Melbourne admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol on five different occasions; 2) by consuming methamphetamine; and 4) by failing to participate in substance abuse testing. The government could not meet the burden of proof with regards to alleged violation No. 3. (63.) Judge Johnston found that the violations Melbourne admitted proved to be serious and warranted revocation, and recommended that Melbourne receive a custodial sentence of 9 months, with 50 months of supervised release to follow. Judge Johnston recommended that the supervised release conditions imposed previously should be continued. Melbourne was advised of the 14 day objection period and his right to allocute before the undersigned. Melbourne waived those rights. (Doc. 63.)

The violations prove serious and warrant revocation of Melbourne's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 65) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Anthony D. Melbourne be incarcerated for a term of 9 months of custody, with 50 months of supervised release to follow. The supervised release conditions imposed previously should be continued.

DATED this 23rd day of June, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court